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FISCAL IMPACT STATEMENT

LS 6101

BILL NUMBER: SB 96

NOTE PREPARED: Feb 23, 2009

BILL AMENDED: Feb 23, 2009

SUBJECT: Licenses for Addiction Counselors.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Board Name Change*- The bill provides for a license for addiction counselors. The bill changes the name of the "Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board" to the "Behavioral Health Board" and adds members.

Addiction Counselor Licensing- The bill requires addiction counselors and clinical addiction counselors to be licensed. The bill establishes requirements and procedures for an individual to be licensed as an addiction counselor or clinical addiction counselor. The bill makes conforming changes.

The introduced version of this bill was prepared by the Commission on Mental Health.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Board Name Change*- The Professional Licensing Agency (PLA) would have to change the letterhead on stationary and other informational materials. The Department of Administration would change application forms. Expenditures for these changes would likely be minimal.

Addiction Counselor Licensing- Two members would be added to the renamed Behavioral Health Board (BHB). Currently, each board member who is not a state employee is entitled to the minimum salary per diem allowed under law. Each board member is also entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties. The increase to state expenditures is unknown, but is likely to be minimal.

In addition, the BHB may require the development of examinations for both addiction counselors and clinical

addiction counselors, unless other existing examinations are available for use.

If the PLA were to need an additional COMOT staff member to process license applications, the additional cost would be approximately \$37,400 per year. This cost would include salary, fringes, and other indirect costs.

The bill does not provide an appropriation. If no additional appropriations occur, the PLA would have to carry out the provisions of the bill within their existing level of resources. The PLA reverted \$514,160 to the state General Fund at the end of FY 2008.

Explanation of State Revenues: *Addiction Counselor Licensing-* The annual amount of revenue that would be raised from licensing fees is indeterminable. The bill would grandfather addiction counselors that hold a valid level II or higher certification from a division of mental health and addiction approved credentialing agency that file for licensure prior to January 1, 2010.

Likewise, clinical addiction counselors who are already certified by a level one or higher, or the equivalent certification from a division of mental health and addiction approved credentialing agency that also meet all other requirements would be exempt from licensure. CAC's would also have to apply before January 1, 2010 to qualify for exemption.

Addiction and clinical addiction counselors that meet the above criteria would also be exempt from paying the initial license fee.

Applicants not meeting grandfathering requirements would pay a fee to be determined by the proposed BHB. Other license types served by the existing board have a \$50 application and renewal fee, and a temporary permit is \$25. The National Association of Alcohol and Drug Abuse Counselors (NAADAC) has 31 and the National Board for Certified Counselors (NBCC) has 28 addiction counselors or therapists listed with an Indiana address. If all 59 persons qualified for exemption, the waived fee revenue would equal \$2,950.

There are approximately 990 practicing substance abuse/behavioral disorder counselors in Indiana. It is unknown how many of the 990 are members could qualify for exemption from paying the initial license fees. If 60 persons did not have to pay fees, then the PLA could have about 930 persons (990-60) to license. If a \$50 fee were assessed, then the PLA could raise an estimated \$46,500 initially from counselors (assuming all apply).

Penalty Provision- A person violating certain provisions of the bill would commit a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision-* A Class A misdemeanor is punishable by up to one

year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Professional Licensing Agency; Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; Department of Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *Indiana Handbook of Taxes, Revenues, and Appropriations*; U.S. Bureau of Labor Statistics; NAADAC; NBCC; Professional Licensing Agency; Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008*.

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